

[No report.]

IN THE HOUSE OF REPRESENTATIVES.

MARCH 3, 1857.

Read twice, and committed to the Committee of the Whole on the State of the Union.

Mr. PENNINGTON, from the Committee on Foreign Affairs, reported the following bill :

A BILL

To provide for the ascertainment and satisfaction of claims of American citizens for spoliations committed by the French prior to the thirty-first day of July, one thousand eight hundred and one.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That satisfaction shall be made, as hereinafter provided, to an
4 amount not exceeding five millions of dollars, to such citizens
5 of the United States, or to their legal representatives, as had
6 valid claims to indemnity upon the French government, arising
7 out of illegal captures, detentions, forcible seizures, illegal
8 condemnations, and confiscations, committed prior to the rati-
9 fication of the convention between the United States and the
10 French republic, concluded on the thirtieth day of September,
11 one thousand eight hundred, the ratifications of which were

12 exchanged on the thirty-first day of July following : *Provided*,
 13 That the provisions of this act shall not extend to such claims
 14 as are stipulated for and embraced in the convention between
 15 the United States and the French republic, concluded on the
 16 thirtieth day of April, one thousand eight hundred and three,
 17 and for the liquidation and payment^{*} whereof provision is made
 18 in the said convention ; nor to such claims as were allowed
 19 and paid, in whole or in part, under the provisions of the
 20 treaty between the United States and Spain, concluded on the
 21 twenty-second day of February, one thousand eight hundred
 22 and nineteen ; nor to such claims as were allowed, in whole
 23 or in part, under the provisions of the treaty between the
 24 United States and France, concluded on the fourth day of July,
 25 one thousand eight hundred and thirty-one.

1 SEC. 2. *And be it further enacted*, That for the purpose
 2 of carrying into effect the provisions of this act, and to ascer-
 3 tain the full amount and validity of said claims, three commis-
 4 sioners shall be appointed by the President, by and with the
 5 advice and consent of the Senate, who shall meet at the city
 6 of Washington, on or before the first Monday in October next,
 7 and, within the space of two years from the time of their first
 8 meeting, shall receive, examine, and decide upon the amount
 9 and validity of all the claims included within the description
 10 above mentioned ; and the Secretary of State is required forth-
 11 with, after the passage of this act, to give notice of said meet-

ing, to be published in three newspapers in Washington, and in such other papers as he may think proper. The said commissioners shall take an oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent performance of their duties ; and in case of the death or resignation of any such commissioner, his place may be supplied by appointment as aforesaid, or by the President during the recess of the Senate, of another commissioner in his stead. The said commissioners shall be authorized to hear and examine all questions relative to the said claims, and to receive all suitable testimony, on oath or affirmation, and all other proper evidence and documents concerning the same ; and the rules for the decision of said commissioners shall be the principles of justice, the law of nations, and the former treaties between the United States and France, to wit : the treaty of amity and commerce of the sixth of February, one thousand seven hundred and seventy-eight, the treaty of alliance of the same date, and the consular convention of the fourteenth of November, one thousand seven hundred and eighty-eight. Their decisions shall be in writing, and filed with their secretary, and the individuals interested therein shall, on demand, have a copy thereof ; and the promulgation of the decisions of said commissioners shall be in public. The said commissioners shall not, at any one time after the first day of December next, adjourn for a longer period than ten days, without

37 the consent of the President of the United States, in writing,
38 first had and obtained.

1 SEC. 3. *And be it further enacted*, That the said com-
2 missioners shall be, and they are hereby, authorized to make all
3 needful rules and regulations, not contravening the laws of the
4 land or the provisions of this act, for carrying their said com-
5 mission into full and complete effect.

1 SEC. 4. *And be it further enacted*, That it shall be the
2 duty of the Secretary of State to procure, within the shortest
3 time after the passage of this act, through the American min-
4 ister at Paris, or otherwise, all such evidence and documents
5 relating to said claims, as can be obtained from abroad ; which,
6 together with the like evidence and documents on file in the
7 Department of State, or which may be filed in the said depart-
8 ment, may be used before said commissioners by the claimants
9 interested therein ; but the same shall not be removed from the
10 files of said commissioners.

1 SEC. 5. *And be it further enacted*, That the awards of
2 all such claims as may be admitted and adjusted by the said
3 commissioners, to an amount not exceeding five millions of
4 dollars, shall be paid pro rata ; and that the Secretary of State,
5 acting upon that principle, shall ascertain and fix the amount
6 to be paid upon each award.

1 SEC. 6. *And be it further enacted*, That the record of
2 the proceedings of said commissioners, and the documents

3 produced before them, shall, after the commission is closed, be
4 deposited in the Department of State.

1 **SEC. 7. *And be it further enacted,*** That so soon as said
2 commission is closed, and the records of proceedings of the
3 commissioners are deposited in the Department of State, the
4 Secretary of the Treasury shall, on the application in writing
5 of any claimant, his lawful attorney, executor, administrator,
6 or assignee, forthwith sign and issue to the person entitled
7 thereto, certificates of United States five per cent. stock, in
8 such sums as such applicant shall desire, not less than two
9 hundred dollars in each certificate, unless the award be for a
10 less sum, for the full pro rata amount awarded to such claimant;
11 and such certificates of stock shall be redeemable, at the
12 pleasure of the United States.

1 **SEC. 8. *And be it further enacted,*** That the President
2 of the United States is hereby authorized to take any measure
3 which he may deem expedient for organizing the said board
4 of commissioners, and for this purpose appoint, with the
5 advice and consent of the Senate, a secretary well versed in the
6 French and Spanish languages; and the said commissioners
7 shall have power to appoint a clerk and also a messenger.

1 **SEC. 9. *And be it further enacted,*** That the compensa-
2 tion of the respective officers, for whose appointment provision
3 is made by this act, shall not exceed the following sums, which
4 shall be paid out of an appropriation hereafter to be provided:

5 To each commissioner, at the rate, by the year, of three
6 thousand dollars, for two years only. No compensation shall
7 be allowed them for a longer period.

8 To the secretary of the board, at the rate, by the year,
9 of two thousand dollars.

10 To the clerk, at the rate, by the year, of one thousand
11 dollars; and to the messenger, at the rate, by the year, of five
12 hundred dollars: *Provided*, That the whole expenses of the
13 commission shall not exceed fifty thousand dollars.

1 SEC. 10. *And be it further enacted*, That during the
2 continuance of said commission, all documents and communi-
3 cations having relation to said claims, which shall be addressed
4 to or from the said secretary, shall be free from postage.

1 SEC. 11. *And be it further enacted*, That the sum of
2 five millions of dollars, herein specified, shall be in full dis-
3 charge of all claims for compensation for the class of cases pro-
4 vided for in this act; and that the presentation of any claim
5 or memorial to the commissioners, for adjudication under this
6 act, shall be taken to be a release and discharge of the United
7 States from all other and further compensation that he, she, or
8 they, may be entitled to receive under the provisions of this
9 act: *Provided, however*, That in case any alleged holder of
10 any claim contemplated by this act shall fail, for any cause, to
11 present the same for adjudication and adjustment, as is herein
12 provided, such claim shall forever after be deemed and taken

13 as altogether invalid, in whose hands soever the same may be.
14 It being the true intent and meaning of this act that the
15 proper amount of indemnity for the damages herein provided
16 for cannot be considered in the aggregate to exceed the
17 amount herein appropriated, however much the claims for
18 indemnity in the aggregate may exceed that sum. And
19 should the Board of Commissioners, under their rules and
20 regulations of allowance, find a larger aggregate, the reduc-
21 tion, pro rata, then required, shall only be considered as a
22 mode of ascertaining the true amount of damages sustained in
23 each case.

1 SEC. 12. *And be it further enacted,* That an attorney to
2 the said board shall be appointed by the President, by and with
3 the advice and consent of the Senate, whose duty it shall be to
4 resist all unjust claims, and to protect the interest of the United
5 States and of the fund that may be appropriated to carry
6 this act into execution; and, to this end, he shall have power
7 to examine witnesses and to cause testimony to be taken, and
8 have access to all testimony before the commission for the pur-
9 pose of examining it, and a right to be heard in all cases. He
10 shall be sworn to the faithful performance of his duty as attor-
11 ney, and shall be entitled to the same compensation as one of
12 the commissioners.